

REMARKS

The specification has been amended to both correct a simple typographical error – the misspelling of “cobalt” – and to correct an obvious omission – the insertion of the word “resolved.” No new matter has been added by these amendments.

Claims 1-8 have been canceled. New claims 9-23 have been added, of which claims 9 and 17 are independent. New independent claim 9 finds support, for example, in the specification at page 3, the diagram at the bottom of the page, and at page 4, lines 4-8. New independent claim 17 finds support, for example, in claim 5 as originally filed and in the specification at page 6, lines 24-29. Support for dependent claims 10 and 18 can be found, for example, in the specification at page 4, the diagram in the middle of the page, and lines 13-14. Support for dependent claims 11 and 19 can be found, for example in the specification at page 7, lines 15-18. Support for dependent claims 12 and 20 can be found, for example, in the specification at page 1, Scheme 1. Support for dependent claims 13 and 21 can be found, for example, in the specification at page 8, Scheme 2. Support for dependent claims 14, 15, 22 and 23 can be found, for example, in claim 6 as originally filed and in the specification at page 6, lines 10-17. No new matter has been introduced by any of the new claims.

I. REJECTION UNDER 35 USC § 112, second paragraph

Claims 1-4 and 7 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to set forth any steps involved in the claimed method/process.

Applicants have canceled claims 1-4 and 7, thereby effectively mooted this ground for rejection. Newly added process claims 17-23 are in appropriate process format.

II. REJECTION UNDER 35 USC § 101

Claims 1-4 are rejected because the Examiner states that the claimed recitation of a use, without setting forth any steps involved in the process results in an improper definition of a process.

Applicants have canceled claims 1-4, thereby effectively mooted this ground for rejection.

III. REJECTION UNDER 35 USC § 102(b)

Claims 5-8 are rejected under 35 USC § 102(b) as being anticipated by the Organometallics 1996, 15, 442-445 article by Rao *et al.* ("Rao"). The Examiner asserts that Rao discloses a process wherein cyclopentenones having various regioselectivities are prepared from alkyne-metal carbonyl complexes, such as alkyne-dicobalt hexacarbonyl complexes and carbon monoxide, in the presence of trifluoroacetic acid, specifically citing the Abstract and Table 1 of Rao for support.

Applicants' new claims 9-23, which replace canceled original claims 5-8, require that the catalyst for the preparation of a cyclopentenone ring includes (1) a support and (2) a linking group that connects the catalytically active component to the support. Rao does not teach or suggest the use of either (1) a support or (2) a linking group as components of the catalyst employed for generating cyclopentenones. In fact, Rao only discloses the use of a

dicobalt-hexacarbonyl (“Co₂CO₆”)-alkyne complex intermediate (as reflected by the title of the article: “*Novel Syntheses of Cyclopentenones and Alkenylsilanes from the Corresponding Alkyne-Dicobalt Hexacarbonyl Complexes*”). Because Rao does not teach each and every element of Applicants’ claims, Rao cannot anticipate Applicants’ claims. Applicants therefore request that the ground for this rejection be withdrawn.

IV. FAILURE TO COMPLY WITH 37 CFR § 1.98(a)(2)

The Examiner states that the Information Disclosure Statement (“IDS”) filed on February 25, 2002 fails to comply with 37 CFR § 1.98(a)(2), which requires a legible copy of each US and foreign patent or publication. The Examiner indicates that the IDS has therefore not been considered.

Copies of these six documents have been obtained by the undersigned, and are provided herewith. Applicants’ Information Disclosure Statement, which was filed at the time of the § 371 filing, formally cites the documents that were cited in the International Search Report, copies of which are customarily forwarded by the International Bureau. Counsel did not have a copy of these references at that time, and reasonably assumed that copies forwarded by the International Bureau would be present in the file. Had the Examiner telephoned counsel to request copies of these references when the application was taken up for examination, copies would have been immediately obtained and filed at that time, in order to expedite prosecution. Under the circumstances, it is hoped that if the Examiner makes a new rejection based upon any of these six references, that the rejection will not be made final until Applicants have had an opportunity to respond.

V. CONCLUSION

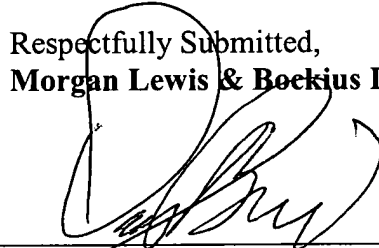
Upon consideration of the foregoing, it will be recognized that Applicants have fully and appropriately responded to all of the Examiner's rejections. The new claims are fully supported by the specification and original claims as filed and do not add new matter. Accordingly, the claims are believed to be in proper form in all respects and a favorable action on the merits is respectfully requested.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
Morgan Lewis & Bockius LLP

By: _____

Date: December 4, 2003
Morgan Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel. No.: 202-739-3000
DJB:mk


Donald J. Bird
Registration No. 25,323
Tel. No.: (202) 739-5320
Fax No.: (202) 739-3001